



Mark J. Rochon
Member
(202) 626-5819
mrochon@milchev.com
January 9, 2015

Via ECF

Hon. George B. Daniels
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Sokolow v. Palestine Liberation Organization et al.*
04-CV-397(GBD)(RLE)

Dear Judge Daniels,

As the Court knows, Plaintiffs have sought the admission into evidence of 31 documents they characterize as admissible under the public records exception, Federal Rule of Evidence 803(8). DE 693. Defendants have opposed. DE 703. Some of the 18 were briefly discussed at the January 6, 2014 hearing, but the Court has not yet issued a ruling. Plaintiffs describe 18 of the 31 documents as “IMFA, IDF, and ISA Reports.” See DE 693 at 2. According to Plaintiffs, these 18 documents are reports issued by security and intelligence agencies of the State of Israel containing factual findings from legally authorized investigations. *Id.* Defendants submit this additional letter, not to reargue the issues raised in their opposition but to highlight for the Court the 18 Israeli government documents at issue.

The documents fall into four categories (1) press releases, most from the Israel Ministry of Foreign Affairs; (2) Israel Defense Forces (“IDF”) summaries, characterizations and purported reproductions of documents the IDF claims were captured from the PA; (3) unsourced documents; and (4) “Shabak” website material containing unsourced, undated analysis of terrorism data. As will become readily apparent, the Plaintiffs’ description of the documents is inaccurate, Plaintiffs have no means of authenticating the documents, and Plaintiffs have no means of laying the foundation for their admission under the public records exception. In the chart below Defendants list and identify these documents, as it is clear from the simple description that they do not come close to meeting the Rule 803(8) hearsay exception.



Hon. George B. Daniels
January 9, 2015
Page 2

1. Category 1: Website Material on Israeli Government Press Releases

Pls. Ex. No	Source	Doc. Date	Description
337	www.idf.il	11/18/2012	4/15/2003 press release on IDF's pre-dawn killing of "Tanzim activist, Mazen Faritakh," who has no role in this case.
339	www.mfa.gov.il	2/26/2004	Ministry of Foreign Affairs press release relaying information "Communicated by the [Government Press Office]" regarding a previous day's IDF and Israeli police force "operation for the confiscation of terror funds."
353	www.pmo.gov.il	8/24/2011	3/21/2002 Prime Minister's Office press release on Mohamad Hashaika issued day of Bauer bombing
354	www.mfa.gov.il	4/23/2013	4/22/02 Ministry of Foreign Affairs press release relaying information "[c]ommunicated by Israel security sources" on individuals arrested by the IDF, entitled "Most Wanted Terrorists -- Status Report"
365	http://mfa.gov.il	8/5/2013	3/31/2002 Ministry of Foreign Affairs press release relaying information "[c]ommunicated by the IDF Spokesman" Report, "IDF Activity in Ramallah - Summary of Inventory" (Mar. 31, 2002)
539	http://mfa.gov.il	2/26/2014	5/6/2002 Ministry of Foreign Affairs press release re report "[p]repared by a team headed by Dani Naveh Ministry of Parliamentary Affairs," which is prefaced "ALL ALLEGATIONS MADE IN THIS REPORT ARE THROUGH ISRAELI INTELLIGENCE AS A RESULT OF THE ISRAELI CAMPAIGN TO ERADICATE THE SOURCES OF TERROR IN THE AREA UNER THE



Hon. George B. Daniels
January 9, 2015
Page 3

			CONTROL OF THE PALESTINIAN AUTHORITY.” DE 539 at 2.
559	new.mfa.gov.il	5/2/2013	1/26/2001 Israel Ministry of Foreign Affairs press release relaying information “[c]ommunicated by the Defense Minister’s Media Advisor” on arrest of suspects.
632	http://mfa.gov.il	2/26/2014	6/5/2002 Israel Ministry of Foreign Affairs: “International Financial Aid to the Palestinian Authority Redirected to Terrorist Elements / Israel Defense Forces / Military Intelligence / June 2002”
1109	http://mfa.gov.il	9/23/2013	3/5/2002 Israel Ministry of Foreign Affairs press release relaying information “[c]ommunicated by the IDF Spokesman” on IDF extrajudicial killing of Mohand Said Minuyer Diriya.
1118	http://mfa.gov.il	6/26/2014	6/25/2014 press release sourcing “Israel Government Press Office” re “PA grants and salaries for Palestinian terrorists”

2. Purported IDF Reports on Documents Purportedly Captured from the PA.

Pls. Ex. No	Source	Doc. Date	Description
626	IDF	4/22/2002	“Arafat’s and the PA’s Involvement in Terrorism (According to Captured Documents)”
631	IDF	4/7/2002	“Palestinian Authority Captured Documents: Main Implications”
826	IDF/MI	4/18/2002	“Jenin: The Capital of the Palestinian Suicide Terrorists”



Hon. George B. Daniels
January 9, 2015
Page 4

3. Documents Whose Source Is Unknown

Pls. Ex. No	Source	Doc. Date	Description
829	Unknown	5/3/2002	"The 'Al Aqsa Martyrs Brigades' (on US State Department list of terror organizations) and the Fatah Organization are one and the same, and Yasser Arafat is their leader and commander"
830	Unknown	Unknown	"The Palestinian Authority Employs Fatah Activists Involved in Terrorism and Suicide Attacks"
954	Unknown	2/24/2004	PowerPoint presentation: "The Confiscation of Terrorist Funds"

4. Undated Shabak Website Materials on Terrorism Data/Trends

Pls. Ex. No	Source	Doc. Date	Description
547	www.shabak.gov.il	Unknown	"Analysis of Attacks in the Last Decade 2000-2010" (no indication of who prepared the analysis, and no apparent relevance).
554	www.shabak.gov.il	Unknown	"Summary of Four Years of Conflict—Terrorism Data and Trends" (no indication of who prepared the analysis; no apparent relevance; only partially translated)



Hon. George B. Daniels
January 9, 2015
Page 5

Defendants will have copies of the documents available in the Courtroom on Monday to facilitate easier decision-making.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Rochon', followed by a long horizontal line.

Mark J. Rochon

cc: All ECF Counsel